

Identification Form

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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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- P/Intelligence Wty
(K, S, L, H, B, M, 13 Oct 75
March, Rumsfeld)
- (Wty under way)
- S (Argued that Atty Gen should not oppose ^{NIA} surveillance)
- P In case of [redacted]
you sign each one. For NSA, you would sign
a good one that it is within a law
- L Yes, but I think it should be periodically renewed
- S Question is whether Atty Gen should rule on
surveillance [redacted] cases are
issue of Atty Gen ruling on overseas surveillance
- C The technology is advancing so fast that phone
calls could be routed overseas for call bet. Wash & Rich.
- L 2nd circuit has held that overhearing an Am. abroad
is a violation.
- R I would think Pres would want Atty Gen involved
in public review so he would know what might
come up in a paper.
- S The article in a paper today results from Presidential
directives.
- K What is in a paper today results from us denying
most guarantees of material are a matter. The paper
has just said we have broken Egyptian code -
it has been known. I think rather than just say
a law is filed we should try to educate - commit
to a resolution of a world + am not security needs.
- L Once a country, a country are moving, but in a
crossing direction. We may be needed statute but
we have to be careful about our practices as we
prepare case
- P I think trying to get a statute would be a disaster

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in today's environment. Maybe a statute in a year or so, but now will just have to use guidelines.

K Does Ed want to appear only U.S.A. opn.

L I think we have to have some guidelines, perhaps as % of incidental US traffic overheard.

S I think we can work out guidelines. I am worried about a Atty Gen being the biggest intel piece factor propose.

P Let's have State, Dep, CIA draw up guidelines and then submit it w/ Atty Gen.

B Church is ready on assets report. They will let me review a document for security & sensitivity, but not on a merits one case. We don't want to get you in position of rep. for a report. They won't let us edit it or approve it.

P I guess it's a matter of how they would handle it as carefully as we have.

Sc If they publish a report at all it is irresponsible.

K If those things get put out, senior officials will stop speaking frankly and foreign govt will wonder about this ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in assets is a F-P disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P. I don't know what the letters of transmittal were, but I said they had to handle these secret documents as we had - and we released none.

M. Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K. The main element in these investigations is the turning over of documents. During the Gaulty, etc, there was testimony, but it did not involve all documents involved.

(More discussion on this point)

P. The vote was wanted on a secret date

B. We agreed that we could object to any report but that we would review ~~the~~ a document for most damaging provisions. It was apparent that we wouldn't get a vote in a vote not to publish a report.

M. The vote has requested us to pass on a list of provisions. We agreed to do that except in context.

P. I think we should review it and then say it is not in such interest to release it at all.

S. We can send any letter we want following a review.

P. I think we should review w/a tough eye and then say the document shouldn't be released, but if they determined, then some areas are more damaging than others.

K. I think we have a proposed secret review which I think we have to face & establish some fences around the area as a country has to take themselves then others.

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B All we are fighting is official information of material which is already widely known. This is not a good reason on which to go to court.

P I don't want to be any part of their publishing material like this. If they want to do that, it is their risk.

B That is position we have taken.

P We have to say very strongly we oppose it, but that there are some more damaging than others.

M Let's get to the other issues.

C Church is receiving a lot of press publicity covered w/a view to making them pro-for dissemination. They also want to go into sensitive current ops. One of them is Cuba, w/a possible threat to Korea; Congo, w/ threat to Thailand, Laos, Indonesia, China.

Pete wants to get into Portugal & Angola. We think have turned off Portugal. We ^{didn't} ~~can't~~ like + the story on Angola. I think we do but he has 2 questions - was a decision making really seriously done. The other is ~~is~~ does Angola meet a participation of interest & with security.

P I think in a real interest they should stay away from current ops.

K If any Centre has a right to protection & Pres' participation, we are in another big-
ger situation.

C The same problem is that of trans. They have asked

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- for all records have relation of Pombo, Amos
ITT & If we acknowledge relationship, we will
kill these companies & our ability to place agents & get
copy. We would prefer switching to write only areas
where things may be a question of propriety.
- K. We will have a monumental job getting any company to
drop w/ us in the future.
- C. True, but if an allegation of impropriety, we can't say
we'll defend that.
- M. (These discussions of - Angolan issue)
H. Yes, you are right.
- K. There is one issue apparently pertaining to State-
permitting junior personnel to testify as to policy
manipulation. The danger is that juniors will
use this to get at their seniors who committed them as
for some & harass them for decisions
they made. To do otherwise would wreck a F.S.
This to me is a question of absolute principle. It is
like the South against people ^{who} depend themselves.
- A. Before we get into this on emotion, I think we should
go thru a Boyart letter & remove those parts which
do contain names & policy. The letter has a
strong special character & I think it is wrong to
decide ourselves. If it is going into litigation, I think
we should see if we cannot sanitize & document.
- K. The basic point of dissent now was to prove a conspiracy
in which had a predilection for a hostile & thus didn't
even listen to a dash effects.
- S. Seems to me you are saying there is a principle
involved - that is, a right of junior officers to get

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to a Secy w/o fear of being left out.

L You have a strong public position now, but I think it will weaken when the letter becomes known, because 90% of a document is a recitation of fact.

Lyons The question is not one of import - it is long import to let it happen - but what is a legal handle on it. There is no one weak.

S State is dip. Take Interior, where a bureau in alliance w/ Cong can stymie a Secy.

R I am concerned about integrity of F.S. It took us 15 yrs. to recover from the Century

P If Boyatt was up there testifying what happened day by day, what would you say?

K I'd have no problem.

L ~~Let~~ There is no doubt State & Def have preferred position, but I'm trying to preserve it for you & that means a long one can attack it.

P There are 2 issues: one is the sanctity of a dissent channel & ~~some~~ ~~other~~ is testifying as to a fact. Having said a letter is acceptable. W/o having made a move, I would say we strengthen our case if we cut out irrelevant material in a memo.

L I think it is foolish to imagine this case into what you want it to be. When a document gets printed in a paper I think you will wonder whether this is a case on which to make a case.

W ~~thing which would be a possibility that Boyatt~~

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might agree to release

P From lawyer point of view, what do you recommend

L Review of document to decide pointing & sensitive matter & give a quote what is left, if there is some in a document. There are in a strong position to defend a issue

K What is your position about junior officers testing opinions

L I don't know. Don't know how you can hold it

R You have to depend that on political not legal ground.

P I think we have a defensible position if we send a court say & a junior officer say w/ a division of testimony

M I agree w/ King position w/ respect to oversight controls. But this is a special case & circumstance

P I think we want a compensation where we know & as/c public we can win. We ought to find a case which will give us both of these. How we handle this case ^{ought} to fall w/ in these parameters. Our witnesses I think we can a report track & should stand. One more,

I think we should take a look at

K Zero FSO's have written letters, as have 10 retired people like George Kennan, etc.

P Let's see if we can separate a fact from opinion

R Except from your initiative & dissent principle.

Many dissents are based on a ~~single~~ ^{single}

assertion that a Secretary doesn't believe a facts, (over)

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David: How about expanding to document by
providing a summary of it?

L: Might be.

K: That I would do only in context of saying
there are all the contrary views expressed to
me.

P: Let's look at all those options & see where we
go.

K: If I am asked to do it. I'll do it, but I
think this is a profound issue of foreign
policy & a foreign threat. We are exceeding
to a certain point & arguing only on
fact.

P: But contrary is that if you get a hard case
& lose it you have done ^{an irreparable} ~~great~~ damage.

K: That is true.

P: I think we can confront them & win if
we have the right case.

R: I think we better offer a potential confrontation
than a big advance (or other events).

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